

this Office was "directed at Aepco, [it] includes grounds and allegations applicable to all offerors, including [the intervening offeror]." Nonetheless, in its November 3 opposition to the agency's motion to dismiss, Tano supplemented its original protest against the award to Aepco by now challenging the evaluation of the intervening offeror's proposal on similar grounds as those asserted against the awardee.

Under the bid protest provisions of the Competition in Contracting Act of 1984 and our Regulations, a protester must qualify as an interested party before its protest may be considered by our Office. See 31 U.S.C. § 3553 (1994); 4 C.F.R. § 21.1(a) (1995). That is, a protester must have a direct economic interest which would be affected by the award of a contract, or the failure to award a contract. 31 U.S.C. § 3551(2); 4 C.F.R. § 21.0(a). Where there is an intermediate party that has a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our Regulations. Wastren Remediation, Inc., B-252550.3, May, 27, 1994, 94-1 CPD ¶ 327.

Here, we find that Tano did not challenge the evaluation of its own proposal nor that of any intervening offeror. Rather, Tano's protest is directed at the evaluation of Aepco's proposal under each of the five technical criteria; for example, that the agency misevaluated the knowledge and experience of Aepco's engineers and misevaluated Aepco's experience and past performance. However, the protester insists that it is an interested party to protest the award to Aepco because it did, in fact, challenge the agency's evaluation of the intervening offeror by including in its protest such statements as the agency's failure "to properly apply the technical evaluation criteria"; and that the agency "improperly evaluated the offerors technical proposals." In addition, the protester points to its request for "all documents" pertaining to the evaluation of proposals and BAFOs submitted in response to the RFP, as evidence that its protest also constitutes a challenge to the intervening offeror's proposal.

We disagree. The protester's use of the phrase "offerors technical proposals" or its request for all evaluation documents and all proposals provide no basis for us to conclude that the protest constitutes a challenge to the evaluation of both the awardee's and the intervening offeror's proposal. Our Regulations require that a protest "set forth a detailed statement of the legal and factual grounds of protest" and "clearly state legally sufficient grounds of protest." 4 C.F.R. § 21.1(c)(4); (e). Although Tano's protest sets forth specific allegations against the evaluation of the awardee's proposal, the protest contains no specific factual statements or allegations regarding the evaluation of the intervening proposal. Thus, Tano lacks the requisite direct economic interest to be considered an interested party to challenge the award to Aepco since its protest does not specifically challenge the evaluation of the intervening, lower-priced offer. Government Technology Servs., Inc., et al., B-258082.2 et al., Sept. 2, 1994, 94-2 CPD ¶ 93.

We also dismiss Tano's supplemental protest against the evaluation of the intervening proposal which was filed on November 3. Our Regulations require that a protest be filed within 10 working days after the basis of protest is known, or should have been known. 4 C.F.R. § 21.2(a)(2). Where a protester files a timely protest, and later supplements it with new and independent grounds of protest, the later raised allegations must independently satisfy our Office's timeliness requirements as our Regulations do not contemplate the unwarranted piecemeal presentation or development of protest issues. Little Susitna Co., 65 Comp. Gen. 652 (1986), 86-1 CPD ¶ 560. Here, Tano knew that it was one of several firms that had responded to the RFP when it received the agency's September 19 notice of award. While the September 19 letter did not inform Tano of the evaluation results or the relative ranking of offerors, the protester has not explained, and the record does not show, why Tano failed to request a debriefing or otherwise diligently pursue the available information which formed the basis of its supplemental protest. If Tano, as it now appears to assert, believed that only Tano's proposal was technically acceptable, it could have filed this protest in its initial submission. Not having done so, Tano's supplemental protest concerning this issue which was first raised in its opposition to the agency's motion to dismiss, filed almost 2 months after receipt of the notice of award, is untimely. See Rice Servs., Ltd.-Recon., 72 Comp. Gen. 117 (1993), 93-1 CPD ¶ 182.

The protest is dismissed.

Comptroller General
of the United States